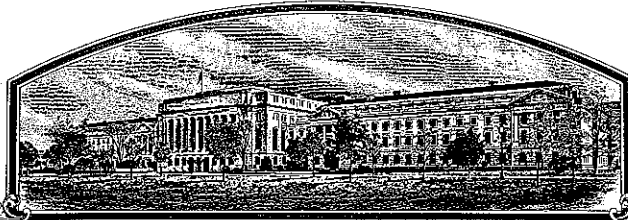


No.

9700264



THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

**Hybri Tech Seed International, a unit of
Monsanto Co.**

Whereas, THERE HAS BEEN PRESENTED TO THE

Secretary of Agriculture

AN APPLICATION REQUESTING A CERTIFICATE OF PROTECTION FOR AN ALLEGED DISTINCT VARIETY OF SEXUALLY REPRODUCED, OR TUBER PROPAGATED, PLANT, THE NAME AND DESCRIPTION OF WHICH ARE CONTAINED IN THE APPLICATION AND EXHIBITS, A COPY OF WHICH IS HEREUNTO ANNEXED AND MADE A PART HEREOF, AND THE VARIOUS REQUIREMENTS OF LAW IN SUCH CASES MADE AND PROVIDED HAVE BEEN COMPLIED WITH, AND THE TITLE THERETO IS, FROM THE RECORDS OF THE PLANT VARIETY PROTECTION OFFICE, IN THE APPLICANT(S) INDICATED IN THE SAID COPY, AND WHEREAS, UPON DUE EXAMINATION MADE, THE SAID APPLICANT(S) IS (ARE) ADJUDGED TO BE ENTITLED TO A CERTIFICATE OF PLANT VARIETY PROTECTION UNDER THE LAW.

NOW, THEREFORE, THIS CERTIFICATE OF PLANT VARIETY PROTECTION IS TO GRANT UNTO THE SAID APPLICANT(S) AND THE SUCCESSORS, HEIRS OR ASSIGNS OF THE SAID APPLICANT(S) FOR THE TERM OF TWENTY YEARS FROM THE DATE OF THIS GRANT, SUBJECT TO THE PAYMENT OF THE REQUIRED FEES AND PERIODIC REPLENISHMENT OF VIABLE BASIC SEED OF THE VARIETY IN A PUBLIC REPOSITORY AS PROVIDED BY LAW, THE RIGHT TO EXCLUDE OTHERS FROM SELLING THE VARIETY, OR OFFERING IT FOR SALE, OR REPRODUCING IT, OR IMPORTING IT, OR EXPORTING IT, OR CONDITIONING IT FOR PROPAGATION, OR STOCKING IT FOR ANY OF THE ABOVE PURPOSES, OR USING IT IN PRODUCING A HYBRID OR DIFFERENT VARIETY THEREFROM, TO THE EXTENT PROVIDED BY THE PLANT VARIETY PROTECTION ACT. IN THE UNITED STATES SEED OF THIS VARIETY (1) SHALL BE IDENTIFIED BY THE VARIETY NAME ONLY AS A CLASS OF CERTIFIED SEED AND (2) SHALL CONFORM TO THE NUMBER OF GENES SPECIFIED BY THE OWNER OF THE RIGHTS. (84 STAT. 1542, AS AMENDED, 7 U.S.C. 2321 ET SEQ.)

WHEAT, COMMON

'Shelby'

*In Testimony Whereof, I have hereunto set
my hand and caused the seal of the Plant
Variety Protection Office to be affixed at the
City of Washington, D.C. this thirtieth day
of July in the year of our Lord one thousand
nine hundred and ninety-nine.*

Attest:

Ann Marie Laro

Commissioner
Plant Variety Protection Office
JUL 30 1999

Don Gilman

U.S. DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE
SCIBNCB DIVISION - PLANT VARIETY PROTECTION OFFICE

APPLICATION FOR PLANT VARIETY PROTECTION CERTIFICATE
(Instructions and information collection burden statement on reverse)

The following statements are made in accordance with the privacy Act of 1974 (5 U.S.C. 552a)

Application is required in order to determine if a plant variety protection certificate is to be issued (7 U.S.C. 2421) Information is held confidential until certificate is issued (7 U.S.C. 2426).

| | | | |
|--|----------------------------|---|-----------------------------------|
| 1. NAME OF APPLICANT(S) (as it is to appear on the Certificate) | | 2. TEMPORARY DESIGNATION OR EXPERIMENTAL NUMBER | 3. VARIETY NAME |
| HybriTech Seed International, a unit of Monsanto Co. | | 92D*4413 | SHELBY |
| 4. ADDRESS (Street and No. or R.F.D. No., City, State, and Zip Code) | | 5. TELEPHONE (include area code) | PVPO NUMBER 9700264 |
| 5912 N. Meridian Street Wichita, Kansas 67204-1699 | | 316-755-1250 | |
| | | 6. FAX (include area code) | DATE 4-8-97 |
| | | 316-755-0072 | |
| 7. GENUS AND SPECIES NAME | 8. FAMILY NAME (Botanical) | | FILING AND EXAMINATION FEE |
| <u>Triticum aestivum</u> | Gramineae | | 2450.00 |
| 9. CROP KIND NAME (common name) | | | DATE |
| SOFT RED WINTER WHEAT | | | 4-4-97 |
| 10. IF THE APPLICANT NAMED IS NOT A "PERSON", GIVE FORM OF ORGANIZATION (corporation, partnership, association, etc.) (common name) | | | CERTIFICATION FEE |
| Corporation | | | 300.00 |
| 11. IF INCORPORATED, GIVE STATE OF INCORPORATION | | 12. DATE OF INCORPORATION | DATE |
| Delaware | | 1933 | 6/18/99 |
| 13. NAME AND ADDRESS OF APPLICANT REPRESENTATIVE(S), IF ANY, TO SERVE IN THIS APPLICATION AND RECEIVE ALL PAPERS | | | 14. TELEPHONE (include area code) |
| Dr. Gordon Cisar 806 N. Second Street PO Box 1320 Berthoud, Colorado 80513 | | | 970- 532-9840 |
| AND Mr. Robert Bruns 806 N. Second Street PO Box 30 Berthoud, Colorado 80513 970-532-3721 | | | 15. FAX (include area code) |
| | | | 970-532-2035 |
| 16. CHECK APPROPRIATE BOX FOR EACH ATTACHMENT SUBMITTED (follow instructions on reverse) | | | |
| a. <input checked="" type="checkbox"/> Exhibit A. Origin and Breeding History of the Variety | | | |
| b. <input checked="" type="checkbox"/> Exhibit B. Statement of Distinctness | | | |
| c. <input checked="" type="checkbox"/> Exhibit C. Objective Description of the Variety | | | |
| d. <input checked="" type="checkbox"/> Exhibit D. Additional Description of the Variety | | | |
| e. <input checked="" type="checkbox"/> Exhibit E. Statement of the Basis of the Applicant's Ownership | | | |
| f. <input checked="" type="checkbox"/> Voucher Sample (2,500 viable untreated seeds, or, for tuber propagated varieties verification that tissue culture will be deposited and maintained in a public repository) | | | |
| g. <input checked="" type="checkbox"/> Filing and Examination Fee (\$2,450), made payable to "Treasurer of the United States" (Mail to PVPO) | | | |
| 17. DOES THE APPLICANT SPECIFY THAT SEED OF THIS VARIETY BE SOLD BY VARIETY NAME ONLY, AS A CLASS OF CERTIFIED SEED? (See Section 83(a) of the Plant Variety Protection Act) | | | |
| <input checked="" type="checkbox"/> YES (if "yes", answer items 18 and 19 below) <input type="checkbox"/> NO (if "no", go to item 20) | | | |
| 18. DOES THE APPLICANT SPECIFY THAT SEED OF THIS VARIETY BE LIMITED AS TO NUMBER OF GENERATIONS? | | 19. IF 'YES' TO ITEM 18, WHICH CLASSES OF PRODUCTION BEYOND BREEDERS SEED? | |
| <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO | | <input checked="" type="checkbox"/> FOUNDATION <input checked="" type="checkbox"/> REGISTERED <input checked="" type="checkbox"/> CERTIFIED | |
| 20. HAS THE VARIETY OR A HYBRID PRODUCED FROM THE VARIETY BEEN RELEASED, USED, OFFERED FOR SALE, OR MARKETING IN THE U.S. OR OTHER COUNTRIES? | | | |
| <input type="checkbox"/> YES (if "YES", give names of countries and dates) <input checked="" type="checkbox"/> NO | | | |
| 21. The applicant(s) declare that a viable sample of basic seed of the variety will be furnished with the application and will be replenished upon request in accordance with such regulations as may be applicable, or for a tuber propagated variety a tissue culture will be deposited in a public repository and maintained for the duration of the certificate. | | | |
| The undersigned applicant(s) is(are) the owner(s) of this sexually reproduced or tuber plant variety, and believe(s) that the variety is new, distinct, uniform, and stable as required in Section 41, and is entitled to protection under the provisions of Section 42 of the Plant Variety Protection Act. | | | |
| Applicant(s) is(are) informed that false representation herein can jeopardize protection and result in penalties. | | | |
| SIGNATURE OF APPLICANT (Owner(s)) | | SIGNATURE OF APPLICANT (Owner(s)) | |
| <i>Gordon Cisar</i> | | | |
| NAME (Please print or type) | | NAME (Please print or type) | |
| Dr. Gordon Cisar | | | |
| CAPACITY OR TITLE | DATE | CAPACITY OR TITLE | DATE |
| Senior Project Leader, HRW Research | 3/31/97 | | |

Exhibit A.
Origin and Breeding History of Shelby

Parentage: FL302/7/C81-132(Morocco/MN7125/4/Era/Tobari//Lovrin
11/3/Oligoculm)/5/So.Belle/4/Riley/Stoddard//Top/3/Arthur/6/Coker983

Date of Cross: November 1985

The complex cross that produced Shelby was made in the 1985 fall greenhouse at Brookston, IN. The F1 row was grown in a field behind the Agripro Seeds, Inc. research facility at Brookston, IN in 1987. Seeds harvested from this row were grown in a 1988 F2 bulk plot near Haynes, AR. A portion of the harvested F2 bulk plot was space-planted in a 1989 F3 bulk plot near Marion, AR. A portion of the harvested F3 bulk plot was thin-seeded in a 1990 F4 bulk plot near Crawfordsville, AR. One hundred eighty-eight heads were selected from this F4 bulk population and grown as F5 Pre-Y1 (head-rows) in a field near Jonesboro, AR in 1991. The selection that became 92D*4413 was selected for disease resistance and excellent agronomics. This was grown in Y1 (observation) plots near Jonesboro, AR and Cleveland, MS in 1992. Shelby has been in advanced testing from 1993 to the present and was in the 1995-96 Uniform Southern Soft Wheat Nursery as 92D*4413.

In 1994, 100 head-rows were planted in Jonesboro, Arkansas. The rows with uniform appearance were harvested and planted in 1995 as an initial Breeder's Seed increase. In 1996, a four acre increase was planted in Berthoud, Colorado which produced 17,000 pounds of Foundation seed.

Shelby has been uniform and stable since 1995. Less than 0.8% of the plants were rogued from the initial Breeders Seed increase in 1995. Approximately 40% of the rogued variant plants were taller height wheat plants (5 to 15 cm's), 2% were a blue-green plant color at boot stage and 48% were awned wheat plants. Up to 1% variant plants may be encountered in subsequent generations.

Exhibit B.
Statement of Distinctness

Shelby most closely resembles the soft red winter wheat 'Cherokee'. However, it can be easily distinguished by the following morphological characteristics:

- 1.) Shelby has yellow anthers at anthesis (Berthoud, Colorado 1995, and 1996). Cherokee has purple anthers (Berthoud, Colorado 1995, and 1996).
- 2.) Shelby has a green plant color at boot stage, Royal Horticultural Society chart color number #137B (Berthoud, Colorado 1995 and 1996). Cherokee has a blue-green plant color at boot, Royal Horticultural Society chart number #122A (Berthoud, Colorado 1995 and 1996).

OBJECTIVE DESCRIPTION OF VARIETY
WHEAT (*Triticum* Spp.)

INSTRUCTIONS: See Reverse.

| | |
|--|--|
| NAME OF APPLICANT(S) HybriTech Seed International, a unit of Monsanto Co. | FOR OFFICIAL USE ONLY |
| ADDRESS (Street and No. or R.F.D. No., City, State, and Zip Code) 5912 N. Meridian Street Wichita, Kansas 67204-1699 | PVPO NUMBER 9700264 VARIETY NAME OR TEMPORARY DESIGNATION SHELBY |

Place the appropriate number that describes the varietal character of this variety in the boxes below.
Place a zero in the first box (e.g. or) when number is either 99 or less or 9 or less.

1. KIND:

1 = COMMON 2 = DURUM 3 = CLUB 4 = OTHER (SPECIFY) _____

2. VERNALIZATION:

1 = SPRING 2 = WINTER 3 = OTHER (SPECIFY) _____

3. COLEOPTILE ANTHOCYANIN:

1 = ABSENT 2 = PRESENT

4. JUVENILE PLANT GROWTH:

1 = PROSTRATE 2 = SEMI-ERECT 3 = ERECT

5. PLANT COLOR (boot stage):

1 = YELLOW-GREEN 2 = GREEN 3 = BLUE-GREEN

6. FLAG LEAF (boot stage):

1 = ERECT 2 = RECURVED

1 = NOT TWISTED 2 = TWISTED

7. EAR EMERGENCE:

Same heading date as NK Coker 9835

NUMBER OF DAYS EARLIER THAN _____ *

NUMBER OF DAYS LATER THAN _____ *

8. ANTHOR COLOR:

1 = YELLOW 2 = PURPLE

9. PLANT HEIGHT (from soil to top of head, excluding awns)

94 cm

cm. TALLER THAN _____ *

1. 8 cm. SHORTER THAN Hickory (SRWW) _____ *

* Relative to a PVP-approved commercial variety grown in the same trial.

10. STEM:

A. ANTHOCYANIN

☐ 1

1 = ABSENT 2 = PRESENT

B. WAXY BLOOM

☐ 2

1 = ABSENT 2 = PRESENT

C. HAIRINESS (last internode of rachis)

☐ 2

1 = ABSENT 2 = PRESENT

D. INTERNODE (specify number) 4☐ 1

1 = HOLLOW 2 = SEMI-SOLID 3 = SOLID

E. PEDUNCLE

☐ 1

1 = ERECT 2 = RECURVED

☐ 3☐ 3

cm. PEDUNCLE LENGTH

11. HEAD (at Maturity):

A. DENSITY

☐ 2

1 = LAX 2 = MIDDENSE 3 = DENSE

B. SHAPE

☐ 2

1 = TAPERING 2 = STRAP 3 = CLAVATE 4 = OTHER (specify) _____

C. CURVATURE

☐ 1

1 = ERECT 2 = INCLINED 3 = RECURVED

D. AWNEDNESS

☐ 4

1 = AWNLESS 2 = APICALLY AWNLETTERED 3 = AWNLETTERED 4 = AWNED

12. GLUMES (at Maturity):

A. COLOR

☐ 1

1 = WHITE 2 = TAN 3 = OTHER (specify) _____

B. SHOULDER

☐ 2

1 = WANTING 2 = OBLIQUE 3 = ROUNDED 4 = SQUARE 5 = ELEVATED 6 = APICULATE

C. BEAK

☐ 3

1 = OBTUSE 2 = ACUTE 3 = ACUMINATE

D. LENGTH

☐ 2

1 = SHORT (ca. 7mm) 2 = MEDIUM (ca. 8mm) 3 = LONG (ca. 9mm)

E. WIDTH

☐ 2

1 = NARROW (ca. 3mm) 2 = MEDIUM (ca. 3.5mm) 3 = WIDE (ca. 4mm)

13. SEED:

A. SHAPE

☐ 1 1 = OVATE 2 = OVAL 3 = ELLIPTICAL

B. CHEEK

☐ 1 1 = ROUNDED 2 = ANGULAR

C. BRUSH

☐ 2 1 = SHORT 2 = MEDIUM 3 = LONG

☐ 1 1 = NOT COLLARED 2 = COLLARED

D. CREASE

☐ 1 1 = WIDTH 60% OR LESS OF KERNEL
2 = WIDTH 80% OR LESS OF KERNEL
3 = WIDTH NEARLY AS WIDE AS KERNEL

☐ 1 1 = DEPTH 20% OR LESS OF KERNEL
2 = DEPTH 35% OR LESS OF KERNEL
3 = DEPTH 50% OR LESS OF KERNEL

E. COLOR

☐ 3 1 = WHITE 2 = AMBER 3 = RED 4 = OTHER (specify) _____

F. TEXTURE

☐ 2 1 = HARD 2 = SOFT

G. PHENOL REACTION (see instructions)

☐ 1 = IVORY 2 = FAWN 3 = LIGHT BROWN
4 = DARK BROWN 5 = BLACK

14. DISEASE: (0 = NOT TESTED; 1 = SUSCEPTIBLE; 2 = RESISTANT) 3 = Moderately Susceptible
4 = Moderately Resistant

☐ 4 STEM RUST Field races
(Res. genes) _____

☐ 0 STRIPE RUST
(Res. genes) _____

☐ 4 MILDEW Field races
(Res. genes) _____

☐ 4 *Septoria nodorum* Field races
(Res. genes) _____

☐ 0 BYDV
(Res. genes) _____

☐ 3 SBMV Field
(Res. genes) _____

☐ 0 OTHER _____

☐ 4 LEAF RUST Field races
(Res. genes) _____

☐ 0 LOOSE SMUT
(Res. genes) _____

☐ 0 BUNT
(Res. genes) _____

☐ 4 *Septoria tritici* Field races
(Res. genes) _____

☐ 0 WSMV
(Res. genes) _____

☐ 3 SSMV Field
(Res. genes) _____

15. INSECT: (0=NOT TESTED; 1=SUSCEPTIBLE; 2=RESISTANT)

9700264

☐ 0

HESSIAN FLY (Res. genes) _____

☐ 0

STEM SAWFLY (Res. genes) _____

☐ 0

CEREAL LEAF BEETLE (Res. genes) _____

☐ 0

APHIDS (Res. genes) _____

☐ 0

GREENBUG (Res. genes) _____

☐ 0

RUSSIAN APHID (Res. genes) _____

☐ 0

OTHER (specify) _____

Exhibit D.
Additional Description of Shelby

Shelby is a soft red winter wheat bred and developed by Agripro Seeds, Inc. Shelby is a high yielding, strong strawed, medium tall wheat with mid-season maturity.

Juvenile growth habit is semi-erect. Plant color at boot stage is green. Anther color is yellow. The flag leaf at boot stage is erect and twisted. Auricle anthocyanin and auricle hairs are present. Waxy bloom is present on the stem, flag leaf sheath and head. The head is strap, middense and awned. The glume at maturity is medium in length and width. Shoulder shape on the glume is oblique with an acuminate beak. Seed shape is ovate. Brush length is medium. Seed crease width is narrow and depth is shallow.

Shelby is well adapted to the coastal plain areas of the Carolinas, to the southern areas of the states of Georgia and Alabama and Mississippi (including the Delta), to northern Florida, and to the states of Louisiana and Arkansas.

Supportive Information for 92D*4413 Wheat

1993 - 1996 Yield Trials (Agripro & University)

| | 50% Heading (day of year) | '96 Maturity (day of year) | Seed Height (cm.) | Seed TKW (g) | Test Weight (lb/bu) | Lodging (1-9) |
|-----------------|---------------------------------|----------------------------------|-------------------------|--------------------|---------------------------|------------------|
| 92D*4413 | 114 | 146.5 | 94 | 37 | 58 | 2.7 |
| HICKORY | 112 | 145.5 | 96 | | 58 | 4.7 |
| COKER 9835 | 114 | 149.5 | | | 56 | 1.5 |
| CLEMENS | | | | 31 | | |
| COKER 9134 | 115 | 146.0 | 93 | | 58 | 3.5 |
| FLORIDA 302 | 116 | | | | 55 | 3.2 |
| (PIONEER) 2580 | 112 | 145.5 | 90 | | 58 | |
| # Locations | 12-38 | 1 | 15-17 | 3 | 9-19 | 3-11 |

Note: Extremes for the 1-9 Ratings in this table are as follows:

$\frac{1}{\text{Very Strong}}$
 $\frac{9}{\text{Weak}}$

Note: TKW = 1000 Kernal Weight

Agripro 92D*4413 Milling and Baking Quality

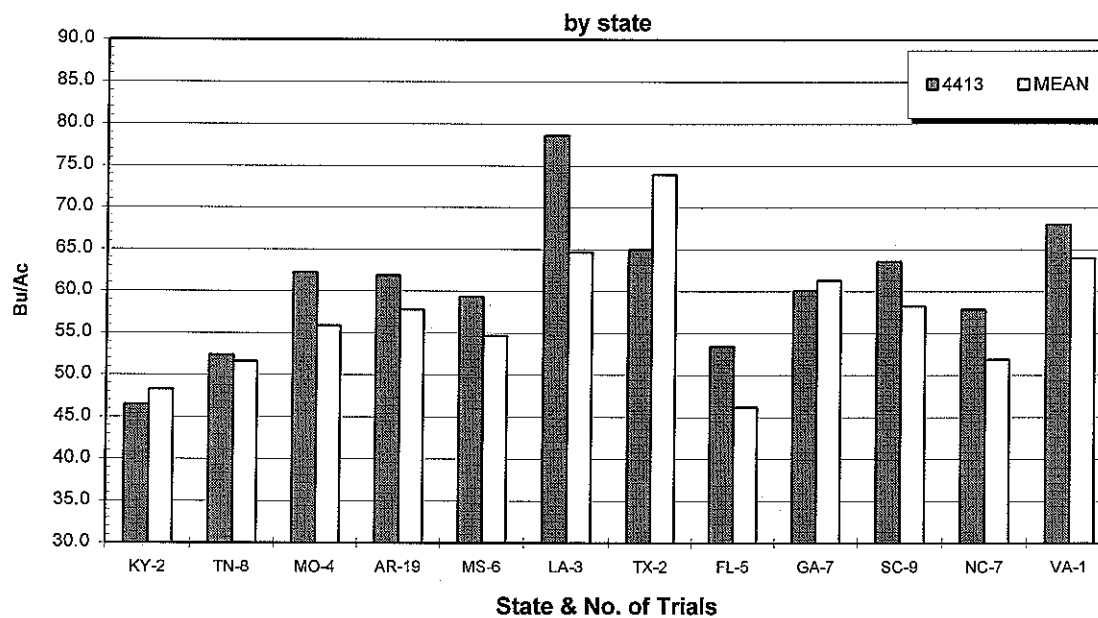
| YR | VARIETY or LINE | LOC-CODE | MILLING | | | | | BAKING | | | | | NORRIS HARDNESS |
|----------------|--------------------|----------|--------------|------------------|------------------|------------------|------------------|------------------|------------------|--------------------|-------------------|-----------|--------------------|
| | | | Protein % | Break Flour % | Total Flour R | Total Flour % | Total Flour R | Flour Prot. % | Flour Prot. R | Cookie Diam. mm | Cookie Diam. R | T.G. R | |
| 93 | 92D*4413 | SM-71615 | 8.2 | 41.8 | 4 | 69.1 | 2 | 7.1 | 3 | 17.8 | 1 | 4 | 04 |
| 93 | 92D*4413 | UA-71615 | 8.2 | 40.5 | 3 | 70.8 | 2 | 7.0 | 3 | 18.0 | 1 | 3 | 08 |
| 94 | 92D*4413 | SM-96222 | 8.9 | 40.7 | 4 | 70.7 | 3 | 7.4 | 5 | 18.0 | 3 | 7 | 10 |
| 94 | 92D*4413 | UA-96222 | 8.1 | 41.6 | 4 | 72.8 | 2 | 7.6 | 1 | 17.6 | 3 | 7 | 04 |
| AVERAGE | | | 8.4 | 41.2 | 4 | 70.9 | 2 | 7.3 | 3 | 17.9 | 2 | 5 | 7 |

Very High Quality Check for Comparison

| | | | | | | | | | | | | | |
|----------------|---------|----------|------------|-------------|----------|-------------|----------|------------|----------|-------------|----------|----------|-----------|
| 93 | MALLARD | SM-71602 | 8.2 | 46.2 | 2 | 70.3 | 1 | 6.9 | 3 | 18.3 | 2 | 4 | 07 |
| 93 | MALLARD | UA-71602 | 8.8 | 41.2 | 3 | 70.8 | 2 | 7.5 | 1 | 18.2 | 2 | 4 | 13 |
| 94 | MALLARD | SM-96201 | 8.9 | 43.7 | 2 | 70.9 | 3 | 7.7 | 3 | 18.6 | 2 | 6 | 12 |
| 94 | MALLARD | UA-96201 | 8.9 | 44.6 | 2 | 73.6 | 1 | 7.6 | 1 | 17.6 | 3 | 7 | 10 |
| AVERAGE | | | 8.7 | 43.9 | 2 | 71.4 | 2 | 7.4 | 2 | 18.2 | 2 | 5 | 11 |

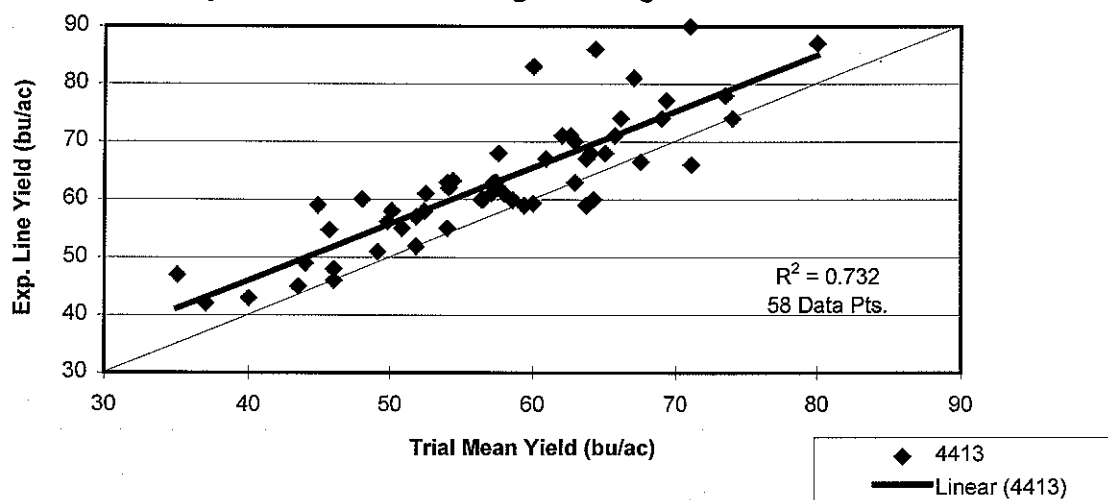
R = ratings where 1 = excellent, 9 = very poor

92D*4413 Yield vs. Trial Mean Yield



1993 - 1996 Adapted Area Yield Data

Experimental Line Yield regressed against the Trial Mean



U.S. DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE
SCIENCE AND TECHNOLOGY DIVISION - PLANT VARIETY PROTECTION OFFICE

EXHIBIT E
STATEMENT OF THE BASIS OF OWNERSHIP

The following statements are made in accordance with the Privacy Act of 1974 (5 U.S.C. 552a) and the Paperwork Reduction Act (PRA) of 1995.

Application is required in order to determine if a plant variety protection certificate is to be issued (7 U.S.C. 2421). Information is held confidential until certificate is issued (7 U.S.C. 2426).

1. NAME OF APPLICANT(S)

HybriTech Seed International, a unit of
Monsanto Company

2. TEMPORARY DESIGNATION
OR EXPERIMENTAL NUMBER

92D*4413

3. VARIETY NAME

SHELBY

4. ADDRESS (Street and No., or R.F.D. No., City, State, and ZIP Code, and Country)

5912 N. Meridian Street
Wichita, Kansas 67204-1699

5. TELEPHONE (include area code)

316-755-1249

6. FAX (include area code)

316-755-0072

7. PVPO NUMBER

9700264

8. Does the applicant own all rights to the variety? Mark an "X" in appropriate block. If no, please explain.

Please see following page.

☐ YES

☒ NO

9. Is the applicant (individual or company) a U.S. national or U.S. based company?

If no, give name of country

☒ YES

☐ NO

10. Is the applicant the original breeder? If no, please answer the following:

☐ YES

☒ NO

a. If original rights to variety were owned by individual(s):

Is (are) the original breeder(s) a U.S. national(s)? If no, give name of country

b. If original rights to variety were owned by a company:

Is the original breeder(s) U.S. based company? If no, give name of country

☒ YES

☐ NO

11. Additional explanation on ownership (if needed, use reverse for extra space):

Please see following page.

PLEASE NOTE:

Plant variety protection can be afforded only to owners (not licensees) who meet one of the following criteria:

1. If the rights to the variety are owned by the original breeder, that person must be a U.S. national, national of a UPOV member country, or national of a country which affords similar protection to nationals of the U.S. for the same genus and species.
2. If the rights to the variety are owned by the company which employed the original breeder(s), the company must be U.S. based, owned by nationals of a UPOV member country, or owned by nationals of a country which affords similar protection to nationals of the U.S. for the same genus and species.
3. If the applicant is an owner who is not the original breeder, both the original breeder and the applicant must meet one of the above criteria.

The original breeder may be the individual or company who directed final breeding. See Section 41(a)(2) of the Plant Variety Protection Act for definition.

Public reporting burden for this collection of information is estimated to average 10 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Department of Agriculture, Clearance Officer, OIRM, AG Box 7630, Jamie L. Whitten Building, Washington, D.C. 20250. When replying, refer to OMB No. 0581-0055 and form number in your letter.

Under the PRA of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

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To file a complaint, write the Secretary of Agriculture, U.S. Department of Agriculture, Washington, D.C. 20250, or call (202) 720-7327 (voice) or (202) 720-1127 (TDD). USDA is an equal employment opportunity employer.

Exhibit E.
Statement of the Basis of Applicant's Ownership

The variety for which Plant Variety Protection is hereby sought was developed by Barton Fogleman, an employee of Agripro Seeds, Inc. By agreement between employees and Agripro Seeds, Inc., all rights to any invention, discovery, or development made by the employee while employed by Agripro Seeds, Inc., were assigned to Agripro Seeds, Inc., with no rights of any kind pertaining to 'Shelby' being retained by the employees.

By contractual agreement the variety 'Shelby' is currently owned by HybriTech Seed International, a unit of Monsanto Company and licensed to Agripro Seeds, Inc. for commercial use.